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WARREN GREHER, ESQ. (7174)

DATE : **FEBRUARY 10, 2015**

TIME: **10:45 A.M.**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

In Re:

Case No. 13-37651 (CGM)

YITSCHAK GOLDSTEIN

CHAPTER 13

Debtor

-----X

REPLY AFFIRMATION

WARREN GREHER, an attorney duly admitted to practice law in the State of New York and before the Federal District Court for the Southern District of New York, alleges under the penalties of perjury as follows:

1. I am a member of Greher Law Offices, attorneys for the debtor, Yitschak Goldstein.
2. This affirmation is in reply to the opposition filed herein by KJ Acres, LLC.
3. It is essentially the position of KJ Acres, LLC that the determination as to the validity of the claim has been previously established by a *beit din* and subsequent action before the Court in the Town of Monroe Justice Court.
4. In support of their position, attached to the opposition papers are copies of transcripts of previous decisions.

5. The underlying matter and the eventual determination of that issue is currently before the United States District Court for the Southern District of New York, Hon. Nelson Roman presiding.

6. Annexed hereto and marked Exhibit A is a memorandum decision of the Court basically inviting KJ Acres, LLC to file a motion to dismiss the underlying action pending in the District Court. Said action was to have been filed by February 17, 2015.

7. It is respectfully submitted that this Court's determination of the motion to strike the debtor's claim should be held in abeyance until a determination by Judge Roman with respect to any motions to dismiss.

8. As present constituted, the debtor's plan is sufficient to pay off the claim of KJ Acres, LLC in the event it is determined by Judge Roman that said claim is valid. If, in fact, KJ Acres motion to dismiss is denied, it would be clear that debtor's motion to strike the claim is proper and should be entertained by this Court.

s/ Warren Greher

WARREN GREHER

Affirmed: February 23, 2015

Notice of Electronic Filing

The following transaction was entered on 12/22/2014 at 11:20 AM EST and filed on 12/19/2014

Case Name: KJ Acres L.L.C. v. Goldstein

Case Number: 7:14-cv-04479-NSR

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Judge Nelson Stephen Roman: Pre-Motion Conference held on 12/19/2014. Yitschak Goldstein, pro se, present. Defendants' counsel present: Stuart Thalblum, Esq., on behalf of Friedman, et al.; Joseph Taub, Esq., on behalf of Joseph, et al.; Bernard Weinreb, Esq., on behalf of Kuntslinger, et al.; Adam Sansolo, Esq., on behalf of Office of the Attorney General (NYS). The Court reminds the parties to keep correspondence to the Court in compliance with the Individual Rules and notes that if the parties continue to burden the Court with excessive correspondence, an order of warning will be issued and a sanctions hearing will be held if necessary. 14 cv 4477 action: Plaintiff agreed to discontinue all claims against the Office of the Attorney General (NYS); Joseph Kuntslinger; Joseph Kuntslinger P.C.; Cohen Labarbera Landrigan LLP; Ronald J. Cohen; Stephen P. Labarbera; Stuart Thalblum; Thomas C. Landrigan. Plaintiff agreed to do so by signing a stipulation of discontinuance with prejudice as to those defendants. Defendant Thalblum shall draft and circulate one stipulation covering all relevant defendants to Plaintiff and other Defendants for approval and execution by Monday, December 22, 2014. Remaining Defendants granted leave to file motions to dismiss or for summary judgment with following briefing schedule: moving papers are to be served by February 17, 2015; opposition is to be served by April 2, 2015; and reply is to be served by April 17, 2015. Defense counsel is directed to file all motion documents on the reply date, April 17, 2015. The parties shall provide 2 copies of all documents to chambers as the documents are served. Mr. Goldstein consented to service of motion papers by e-mail. All Actions: To the extent that there are any pending requests for extensions of time related to pending motions in this matter, the Court denies all such requests. (Court Reporter Sue Ghorayeb) (lnl)

7:14-cv-04479-NSR Notice has been electronically mailed to:

Stuart Thalblum st2@frontiernet.net

Yitschak Goldstein ylondo30@gmail.com

7:14-cv-04479-NSR Notice has been delivered by other means to:

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:

I, Nancy Castelli, being sworn, say: I am not a party to the action, am over 18 years of age and reside at Newburgh, New York.

*On **February 23, 2015**, I served the annexed **Reply Affirmation** by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to the following person and or Presidents of the companies at the last known address set forth after the name:*

*Jeffrey L. Sapir, Trustee
399 Knollwood Road
White Plains, New York 10603*

*President,
KJ Acres LLC
82 Forest Road, Unit 302
Monroe, New York 10950*

*Cohen, Labarbera & Landrigan LLP
40 Matthews Street, Suite 203
Goshen, New York 10924*

s/ Nancy Castelli

Nancy Castelli

*Sworn to before me on
February 23, 2015*

s/ Warren Greher

Notary Public
*Warren Greher
Notary Public, State of New York
No. 4625563
Qualified in Orange County
Commission Expires September 30, 2018*